

REMARKS

Overview

In the Office Action under reply, claims 1-15, 19, and 21-35 were examined, claims 16, 17, and 20 having been canceled previously. Applicants note that pending claim 18 does not appear to have been examined, as the claim is not listed on the Action Summary nor is it mentioned in the Detailed Action. Applicants respectfully request clarification as to the status of claim 18.

Applicants acknowledge with appreciation the Examiner's withdrawal of the rejection previously made under 35 U.S.C. § 103. The claims now stand rejected under 35 U.S.C. § 103 as unpatentable over Choi, US Application Publication No. 2003/0091928 ("Choi").

The rejection is overcome in part by the amendments made herein, and is otherwise traversed for at least the reasons set forth below.

Claim amendments

With the amendments made herein, claim 1 has been amended to recite that the post exposure bake takes place between about 25°C and 80°C. Support for this amendment is found, for example, at paragraph [000159] of the application as filed.

Rejection under 35 U.S.C. §103(a)

Claims 1-15, 19, and 21-35 stand rejected under 35 U.S.C. §103(a) as unpatentable over Choi. This rejection is overcome by the present amendment and otherwise traversed.

A prima facie case of obviousness requires, inter alia, that "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." MPEP §2142. In addition, a prima facie case requires that the modification "would have a reasonable likelihood of success, viewed in the light of the prior art." *In re Dow Chemical Co.*, 837 F.2d 469, 473 (Fed. Cir. 1988).

Choi states at para. [0049] that "post-exposure baking ('PEB') is performed at a temperature in the range of 90 to 180°C." As the Examiner notes, however, Choi's example shows a post-exposure bake at 120°C. It is believed that Choi's resist would not actually function with a post exposure bake below 90°C. Choi does not suggest modification to achieve a

post-exposure bake at such a low temperature. Neither does Choi provide teachings which would allow a person to have a reasonable likelihood of success in making a resist which would be usable with post-exposure bake at such a temperature and which would meet the remaining limitations of claim 1. Thus there is not a teaching in Choi which would make it prima facie obvious how to create a photoresist suitable for use with a post-exposure bake between about 25°C and 80°C, as presently claimed in claim 1.

While the Examiner discusses claim 1 in the office action, there is no reasoning in the office action specific to a number of the dependent claims. Accordingly, and in view of the arguments set forth above, applicants respectfully request withdrawal of the rejection.

Conclusion

If the Examiner has any questions concerning this communication, or would like to discuss the application, the art, or other pertinent matters, a telephone call to the undersigned would be welcomed.

Respectfully submitted,

By: /Flavio M. Rose/_____
Flavio M. Rose
Registration No. 40,791
c/o MINTZ LEVIN
1400 Page Mill Road
Palo Alto, California 94304-1124
(650) 251-7700 Telephone
(650) 251-7739 Facsimile
Customer No. 23,980